IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 184 OF 2006.

Mahesh D.Velani .. Appellant

versus

M/s.R.B.& Sons & Ors. .. Respondents.

...

Mr.J.G.Shukla i/b.G.H.Shukla & Co. for appellant

Mr.S.C.Poojary for respondent nos.1 to 3 & 7,8.

Mr. P.M. Shah for respondent nos. 5,& 6 present.

Ms. Deepa Kamath for respondent no.4 present

CORAM : D.G. KARNIK, J

DATED : 5th September,2006.

P.C:-

1. Heard learned counsel for the parties.

2. Appellant is the original plaintiff. Learned counsel for the appellant submits that the suit suffers from technical defects, and as such the suit is not maintainable in view technical defects. The learned counsel for the appellant, therefore, seeks leave to withdrawn the suit with liberty to file fresh suit on

same cause of action.

3. Learned counsel appearing for the respondents has no objection for granting such leave. In the circumstances, the appellant who is the original plaintiff in the suit is permitted to withdrawn the original suit bearing no. 1488 of 2003 pending in the City Civil Court, Mumbai, with liberty to file the fresh suit on same cause of action. The suit accordingly stands withdrawn. The interim order passed by this court on 18/03/2006 shall continue to operate for the period of four weeks.

(D.G. KARNIK J.)

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P.C:-

1. In view of the withdrawl of the suit the appeal does not servive and is disposed of.

(D.G. KARNIK J.)